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- R. F. Harper. *The Code of Hammurabi, King of Babylon about 2500 B. C.* Vol. I. Price, \$4.00. Chicago: University of Chicago Press, 1904.
- D. H. Müller. *Die Gesetze Hammurabis und ihr Verhältniss zur Mosaischen Gesetzgebung, sowie zu den xii Tafeln.* Wien: Holder, 1904.
- S. A. Cook. *The Laws of Moses and the Code of Hammurabi.* London, 1904.
- J. Kohler and F. E. Peiser. *Hammurabi's Gesetz.* Vol. I. Leipzig, 1904.

The Code of Hammurabi, discovered at Susa in 1900, whither it had been taken by an Elamitic conqueror in the twelfth century B. C. as a trophy from the city of Sippar, in Babylonia, is one of the most important documents of antiquity—of interest alike to the philologist, to the archeologist and to the student of legal institutions. Since the first publication of the text, in the fall of 1900, by Professor Vincent Scheil, to whom belongs the credit also of having given the first translation (in French) of the text—an exceedingly difficult task—several translations into German and English and one into Italian have appeared, and numerous monographs and articles on the Code as a whole or on certain aspects, phrases and words have been written by scholars in all parts of the world. The four works here singled out for special notice are representative of the best work that has been done in the elucidation of this precious document.

Beginning with Professor Harper's English translation, it is gratifying to state that it may be regarded as authoritative, and, while modifications in details and in the rendering of some of the legal terms may be expected from further researches, to which Professor Harper himself has since the appearance of the book made a contribution,¹ it can safely be accepted as a guide. Professor Harper has wisely abstained from the introduction of legal terms in modern use, preferring literal translations of the expressions used in the Babylonian original. Until we can be sure of the Babylonian legal phraseology, this method is to be preferred; but students of legal institutions approaching this code without a knowledge of Babylonia should bear in mind that the phrases in the Code actually represent legal terms used quite as accurately as those in modern juridical procedures. Thus the phrase, "the man in whose possession the lost property is found" is the equivalent of "holder," and "the owner of the lost property" is the equivalent of "claimant," and there are indications that these phrases are used in a technical sense without strict reference to their original more or less restricted meanings. Besides an excellent reproduction of the text, Professor Harper has also given a transliteration, which is done with great accuracy. A second volume, promising a discussion of the general character of the Code and comparisons of the parallels in the biblical codes, was announced by Professor Harper's brother, William R. Harper, whose untimely death is mourned by scholars and educators alike. If Professor Harper finished the work before his death, we may look forward to a supplement that will still further enhance the value of a publication reflecting such high credit on American scholarship.

¹ Notes on the Code of Hammurabi in the "American Journal of Semitic Languages," October 1905.

The translation and commentary of Prof. D. H. Müller, of the University of Vienna, is perhaps, taken as a whole, the most suggestive treatment that the Code has received. The main feature of the translation is an attempt to define in a more precise manner the force of the particles used in the original text, with the result of furnishing in many cases an entirely new and unexpected interpretation. Some of these interpretations have been attacked, and it must be confessed that a number of them strike one as strained—perhaps too ingenious. Still, the fact that Professor Müller's rendering represents a decided advance cannot be gainsaid, and for those who wish to study any paragraph or section of the Code it will be indispensable to consult Müller's interpretation. Less satisfactory, although highly suggestive, is the endeavor of Professor Müller to show direct Babylonian influences in the case of the Biblical codes and even in the case of the Twelve Tables of the Romans. His theory that the Twelve Tables and the Biblical codes rest on a common foundation that also underlies Hammurabi's Code is an interesting conjecture, for which, however, no satisfactory proof has been adduced by him. The parallels between Hammurabi's Code and that of the Romans and of the Hebrews cannot, of course, be denied, and while some Babylonian influences of a general character may be detected in both, these influences, it is safe to say, will turn out to be indirect rather than direct.

The proper method of treating such parallels is illustrated in Cook's valuable treatise on the "Laws of Moses and the Code of Hammurabi." Dividing his subject into a number of general classes, like family, slaves, land, agriculture, commerce and personal protection, Mr. Cook points out in a very thorough manner the principles underlying the Biblical codes and those to be detected in the Code of Hammurabi, with the general result that, while there is a certain agreement in the treatment of legal cases, the principles are widely diverse. He properly argues that agreement in phraseology cannot be regarded as conclusive of direct connection between the two series of codes. In view of the totally different standpoint from which the relationship of man to his fellows is viewed in the Biblical codes in close connection with the general religious flavor of these codes, Mr. Cook pronounces against the assumption of direct Babylonian influences. Perhaps, in this negative attitude, he at times goes too far, but such extremes are to be preferred to the rapidity with which other scholars, because of certain resemblances between the Pentateuch and the Code of Hammurabi, have jumped to conclusions. It is rather unfortunate that Mr. Cook should have retained in the title of his book the expression "Laws of Moses," inasmuch as he accepts the position of modern scholarship, which recognizes a number of distinct codes in the Pentateuch, all but one of which date from the period considerably later than the days of Moses. Even in popular works such a phrase as "The Laws of Moses" should be avoided by any author who accepts the modern critical position.

The last work on our list is a combined production by Professor Peiser, a distinguished Assyriologist, and Professor Kohler, of the University of Berlin, the most eminent authority on comparative legislation. Two trans-

lations of the text are furnished in parallel columns, first, a literal rendering, and, secondly, on the basis of this rendering, a legal paraphrase, with the liberal use of legal terms in modern use. The former is the work of Dr. Peiser, the latter of Dr. Kohler; and by the combination the student is able to judge for himself—at least in many cases—whether the legal paraphrase is justifying. In order to bring this subject more clearly home to us, the legal paraphrase is repeated, arranged under the twelve main subjects treated of in the Code. In this form it impresses one as a very modern document, but in using it care must be exercised to compare each paragraph with the literal translation and to recognize, in view of the difficulties still involved in the interpretation, the limits of our present knowledge. The most valuable and certainly the most distinctive feature of Kohler's and Peiser's work is the discussion on the various paragraphs and the analysis of the principles underlying the Code. In the present volume the general subjects embodied in the Code are discussed, with valuable comparisons with actual cases occurring in the general contract literature of Babylonia and Assyria. Thousands of tablets, ranging from the oldest period of Babylonian history down to the latest, have been published, embodying all manner of cases that were brought before Babylonian and Assyrian judges, and we are now in a position to compare these cases with the actual laws that were supposed to prevail. Kohler and Peiser's work, therefore, makes a special appeal to the general student of legal institutions, and the attention of members of the Academy of Political and Social Science is directed to this feature. Two further volumes are promised—the second containing a transliteration with a philological commentary by Professor Peiser, which promises to be of great value to the student, while the third will contain a translation of selected legal texts from the days of Hammurabi, by means of which a further aid toward the interpretation of this remarkable Code will be furnished.

MORRIS JASTROW, JR.

University of Pennsylvania, March, 1906.

Hunt, William, and Poole, Reginald L., Ed by. *The Political History of England*. In twelve volumes. Vol. X: *The History of England from 1760 to 1801*. By William Hunt. Pp. xviii, 495. Price, \$2.60. New York, London and Bombay: Longmans, Green & Co., 1905.

This is the first volume to appear of a series which should constitute an important contribution to English history. For many years the principal published works in this field have been in the form of monographs on the history of relatively short periods. Lately, however, the prevailing movement toward extended co-operative work in all branches of knowledge has affected English history also. This is the most detailed, ambitious and promising of several series of histories resulting from this tendency, either actually in progress or announced. There is certainly an opportunity to gather together the scattered contributions to our fuller knowledge of English history which